

COMMITTEE AMENDMENT FORM

DATE: 7/30/08

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #08-O-1145 SECTION (S)

RESOLUTION I. D. #08-R- PARA.

AMENDS THE LEGISLATION BY ADDING TWO (2) CONDITIONS ONE OF WHICH IS A SITE PLAN RECEIVED BY THE BUREAU OF PLANNING MAY 13, 2008.

AMENDMENT DONE BY COUNCIL STAFF 7/30/08

City Council
Atlanta, Georgia

08-0-1145

U-08-19

AN ORDINANCE
BY: ZONING COMMITTEE

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR THE TRANSFER OF EXCESS DEVELOPMENT
DENSITY FROM PROPERTY LOCATED AT 990
PEACHTREE STREET, N.E. (SENDING PARCEL) TO
PROPERTY LOCATED AT 1138 PEACHTREE STREET,
N.E. (RECEIVING PARCEL); AND FOR OTHER
PURPOSES.**

WHEREAS, the City Council finds that it is in the public interest to allow the owners of historic designated properties to transfer their development density to adjacent properties; and

WHEREAS, the Atlanta Historical Society, Inc. (Atlanta History Center), through its subsidiary AHA/MMH, LLC owns the entire block at 990 Peachtree Street, upon which is located the Margaret Mitchell House and Commercial Row; and

WHEREAS, the Atlanta Historical Society seeks to transfer a portion of the residential development rights from the property at 990 Peachtree Street to a receiving property located at 1138 Peachtree Street; and

WHEREAS, the sending property at 990 Peachtree Street will not be altered by the transfer of development rights; and

WHEREAS, the owners of the sending and receiving parcel will enter into an agreement within 30 days after the approval of the special permit to transfer excess development rights and shall provide the executed affidavit to the City of Atlanta Bureau of Planning and the City of Atlanta Law Department to be recorded in the real property records in the Office of the Clerk of Superior Court, Fulton County, Georgia; and

WHEREAS, the transfer of development rights will result in 19,851 square feet of residential development to be transferred from at 990 Peachtree Street to a receiving property located at 1138 Peachtree Street.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of (Section 16-28.023 of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Transfer of Excess Development Rights is hereby approved. Said use is granted to TP 1138 Peachtree, LLC, its successors, assigns

and all subsequent owners. The sending and receiving parcels are more particularly described by the attached legal descriptions and/or surveys.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the Special Use Permit, including the executed agreements shall be recorded with the Clerk of Superior Court of Fulton County in accordance with the provisions of Section 16-28.023 (4).

SECTION 4. That the Special Use Permit shall be recorded by the Bureau of Planning on the official zoning map (referencing both the Donor and Recipient parcels) in accordance with the provisions of Section 28.023 (4).

SECTION 5. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

LEGAL DESCRIPTION
990 PEACHTREE STREET, N.E.
ATLANTA, GA
DONOR/SENDING PARCEL

RECORDED
MAY 15 2006
Deed

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 106 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the point of intersection of the northeasterly right-of-way line of Crescent Avenue (variable width right-of-way) and the northerly right-of-way line of Peachtree Place (variable width right-of-way), said point being the POINT OF BEGINNING, and running thence in a northwesterly direction along Crescent Avenue the following courses and distances: North 26°16'35" West a distance of 80.08 feet to a point; running thence North 26°46'22" West a distance of 77.00 feet to a point; running thence North 26°29'12" West a distance of 50.23 feet to a 1 inch hollow pipe found; running thence North 84°42'02" East a distance of 3.21 feet to a point; running thence North 26°30'24" West a distance of 8.86 feet to a point; thence leaving said right-of-way and running thence in a northeasterly direction along 10th Street (variable width right-of-way) along the arc of a curve to the right, said arc having a chord bearing of North 68°44'51" East and a distance of 101.80 feet, and a radius of 237.00 feet an arc distance of 102.60 feet to a point; running thence North 81°08'56" East a distance of 79.00 feet to a point; running thence along the arc of a curve to the right, said arc having a chord bearing of South 49°59'38" East a distance of 9.04 feet; and a radius of 6.00 feet, an arc distance of 10.24 feet to a point; thence leaving said right-of-way and running in a southeasterly direction along Peachtree Street (variable width right-of-way) the following courses and distances: South 01°08'12" East a distance of 66.66 feet to a point; running thence along the arc of a curve to the left, said arc having a chord bearing of South 05°11'56" East and a distance of 86.06 feet, and a radius of 607.43 feet, an arc distance of 86.13 feet to a point; running thence along the arc of a curve to the right, said arc having a chord bearing of South 05°11'56" East and a distance of 76.29 feet and a radius of 538.46 feet, an arc distance of 76.35 feet to a point; thence leaving said right-of-way and running thence in a southwesterly direction along Peachtree Place (variable width right-of-way) South 85°10'32" West a distance of 102.96 feet to a point, said point being the POINT OF BEGINNING.

Said tract contains 0.76 acres as shown on and described according to that certain ALTA Survey for The Margaret Mitchell Museum, Inc., dated July 12, 2004, prepared by Tru-Line Surveying Inc. and bearing the signature and seal of W. E. Klontz, Ga. Registered Land Surveyor No. 2166.

Receiving Parcel

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Exhibit "A"

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 106, 17th District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of southerly right-of-way of Fourteenth Street (right-of-way varies) and the westerly right-of-way of Peachtree Street (right-of-way varies); THENCE proceeding southerly along said right-of-way of Peachtree Street 309.66 feet to ½" rebar found, said point being the POINT OF BEGINNING; THENCE continuing along said right-of-way of Peachtree Street the following courses and distances: South 03 degrees 58 minutes 50 seconds East a distance of 52.14 feet to a railroad spike found and South 01 degrees 47 minutes 16 seconds East a distance of 75.00 feet to a nail set; THENCE leaving said right-of-way of Peachtree Street and proceeding North 88 degrees 35 minutes 21 seconds West a distance of 312.76 feet to a ½" rebar set on the easterly right-of-way of Crescent Avenue (50 feet right-of-way); THENCE proceeding along said right-of-way of Crescent Avenue the following courses and distances; North 00 degrees 09 minutes 10 seconds East a distance of 74.90 feet to a point; North 02 degrees 39 minutes 31 seconds West a distance of 10.19 feet to a point and North 04 degrees 58 minutes 21 seconds West a distance of 42.00 feet to a ½" rebar set; THENCE leaving said right-of-way of Crescent Avenue and proceeding South 88 degrees 35 minutes 21 seconds East a distance of 310.71 feet to the POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND contains 39,432 square feet or 0.91 acres.

SAID TRACT shown on that certain survey entitled "ALTA/ACSM As Built Survey: TP 1138 Peachtree, LLC; Georgian Bank (Its Successors and/or Assigns); Chicago Title Insurance Company and Calloway Title & Escrow LLC.", prepared by Travis Pruitt & Associates, Inc., bearing the seal and certification of Jon G. Adams, Georgia Registered Land Surveyor No. 2768, dated October 30, 2007, last revised November 1, 2007.

**990 Peachtree Street, N.E. (Sending Property)
Joint Special Use Permit for TDR
Atlanta Historical Society, Inc.**

**TRANSFER OF DEVELOPMENT RIGHTS CALCULATIONS
FOR
SENDING PROPERTY 990 PEACHTREE STREET, N.E.**

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Zoning

SPI-16 Subarea 1 / LBS / HBS within Transit Station Area.

Land Area

Net lot area:	33,017 SF
Gross lot area:	67,269 SF
10 th Street:	11,171
Peachtree St.:	11,160
Crescent Ave.:	6,749
Peachtree Place:	5,172
Net lot area (above):	<u>33,017</u>
Total:	<u>67,269</u>

Residential Development Rights Available

- Base Residential Density:
 $3.2 \text{ (FAR)} \times 33,017 \text{ (net lot area)} = 105,654 \text{ SF}$
- Transit Station Area Residential Density:
 $3.2 \text{ (FAR)} \times 33,017 \text{ (net lot area)} = 105,654 \text{ SF}$
- Total Residential Density based on net lot area = 211,308 SF
- Open Space Residential Bonus:
 $6.4 \text{ (FAR of combined base and transit station)} \times 67,269 \text{ SF (gross lot area)} = 430,522 \text{ SF}$
This equals additional residential density of 219,214 SF (430,522 gross total minus 211,308 net total = 219,214 attributable to open space residential bonus.)
- Existing on-site residential development: None.

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- Total Additional Residential Density Based Upon Open Space Bonus: 219,214 SF
- Previously Transferred Residential Density: 116,781 SF¹

Total Residential Density Transferred to 1138 Peachtree Street²

19,851 SF

Total Residential Density Remaining On Donor Site (990 Peachtree St.)

1. Based Upon Net Lot Area:
211,308 SF
- 19,851 SF (see footnote 2)
191,457 SF
2. Based Upon Gross Lot Area / Open Space Bonus:
219,214 SF
- 116,781 SF (see footnote 1)
102,433 SF
3. Total Residential Density Remaining: 191,457 + 102,433 = 293,890 SF

Parking

No change from existing conditions.

NOTE: In addition to the residential density remaining on donor site, all other development rights also are retained on donor site (990 Peachtree St.) including non-residential, mixed use, and other bonuses not addressed above.

¹ See U-08-014.

² Since 1138 Peachtree Street Project will reduce open space requirements, the 19,851 SF transferred must be deducted from available net density, not available open space bonus density.